

Attorney's Docket No.: 007260.P002

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
FILING UNDER 35 U.S.C. § 371

In re Patent Application of:	)	
	)	
Dong-Hyun Kim, et al.	)	
	)	Examiner: Not Yet Assigned
Application No.: 10/536,791	)	
	)	Art Unit: Not Yet Assigned
Filed: May 26, 2005	)	
	)	
For: GINSENG FERMENTED BY LACTIC	)	
ACID BACTERIUM, YOGHURT	)	
CONTAINING THE SAME, AND	)	
LACTIC ACID BACTERIA USED IN	)	
PREPARATION THEREOF	)	
	)	

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. § 371 IN THE  
UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

Dear Sir:

In response to the Notification Of Missing Requirements Under 35 U.S.C. § 371 in the United States Designated/Elected Office (DO/EO/US) mailed on October 18, 2005, please find enclosed:

- (1) The Declaration and Power of Attorney executed by the inventors in compliance with 37 CFR § 1.497(a) and (b);
- (2) A check in the amount of \$65.00 in payment of the surcharge of 37 C.F.R. § 1.492(e) (late oath or declaration) (small entity fee);

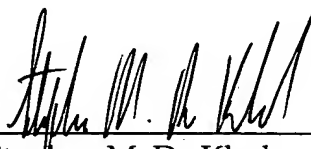
(3) A copy of the Notification Of Missing Requirements Under 35 U.S.C.  
§ 371 in the United States Designated/Elected Office (DO/EO/US).

If any additional fee is required, please charge Deposit Account No.  
02-2666. A duplicate of this Response is enclosed for deposit account charging  
purposes.

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Dated: December 19, 2005

  
\_\_\_\_\_  
Stephen M. De Klerk  
Reg. No. 46,503

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, California 90025  
(408) 720-8300

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First-Class Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service  
as first-class mail with sufficient postage in an envelope addressed to the Commissioner for  
Patents, P.O. Box 1450, Alexandria, Virginia, 22313-1450 on:

December 19, 2005

Date of Deposit

Linda K. Brost

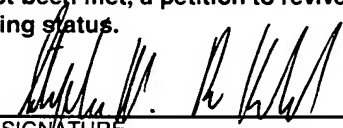
Name of Person Mailing Correspondence

  
\_\_\_\_\_  
Signature

December 19, 2005  
\_\_\_\_\_  
Date

#5

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER 7260P002 U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/536,791
INTERNATIONAL APPLICATION NO. PCT/KR2003/002609	INTERNATIONAL FILING DATE 29 November 2003	PRIORITY DATE CLAIMED 5 December 2002
TITLE OF INVENTION GINSENG FERMENTED BY LACTIC ACID BACTERIUM, YOGHURT CONTAINING THE SAME, AND LACTIC ACID BACTERIA USED IN PREPARATION THEREOF		
APPLICANT(S) FOR DO/EO/US Dong Hyun Kim, et al.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371. 2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input type="checkbox"/> The US has been elected (Article 31). 5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4)). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). Items 11 to 20 below concern document(s) or information included: 11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input type="checkbox"/> A preliminary amendment. 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825. 18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4)). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4)). 20. <input checked="" type="checkbox"/> Other items or information. Response to Notification of Missing Requirements; copy of Notification of Missing Requirements; return receipt postcard.		

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>10/536,791</b>		INTERNATIONAL APPLICATION NO. <b>PCT/KR2003/002609</b>		ATTORNEY'S DOCKET NUMBER <b>7260P002</b>	
The following fees have been submitted				<b>CALCULATIONS    PTO USE ONLY</b>	
21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a)) ..... <b>\$300</b>				\$	
22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33 (1)-(4) .... <b>\$0</b> All other situations ..... <b>\$200</b>				\$	
23. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33 (1)-(4)..... <b>\$0</b> Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority ..... <b>\$100</b> International Search Report Prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB ..... <b>\$400</b> All other situations ..... <b>\$500</b>				\$	
<b>TOTAL OF 21, 22 and 23 =</b>				\$	
Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is <b>\$250.00</b> for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	-65 / 50 =		x	\$	
Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$ 130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	12 - 20 =	0	x 50	\$ 0.00	
Independent claims	4 - 3 =	0	x 200	\$ 0.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ 360	\$	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 130.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees are reduced by 1/2.				\$ 130.00	
<b>SUBTOTAL =</b>				\$ 65.00	
Processing fee of <b>\$130.00</b> for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)). <input type="checkbox"/>				\$	
<b>TOTAL NATIONAL FEE =</b>				\$ 65.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property				\$ 40.00	
Other fee (specify):					
<b>TOTAL FEES ENCLOSED =</b>				\$ 105.00	
<b>Amount to be refunded:</b>				\$	
<b>charged:</b>				\$	
a. <input checked="" type="checkbox"/> A check(s) in the amount of \$ <u>105.00</u> to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. <u>02-2666</u> in the amount of \$ <u>105.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>02-2666</u> . A duplicate copy of this sheet is enclosed.					
<b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b) must be filed and granted to restore the application to pending status.</b>					
December 19, 2005 DATE			 SIGNATURE		
SEND ALL CORRESPONDENCE TO: Blakely, Sokoloff, Taylor & Zafman LLP 12400 Wilshire Boulevard, 7th Floor Los Angeles, CA 90025 Telephone: (408) 720-8300			Stephen M. De Klerk NAME		
			46,503 REGISTRATION NUMBER		

12/27/2005 OFFICE: 00000070 10536791

01 FC:2667 65.00 OP



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

SMD  
 Hongrui

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/536,791	Dong Hyun Kim	7260P002

Stephen M. De Klerk  
 Blakely Sokoloff Taylor & Zafman  
 12400 Wilshire Boulevard  
 7th Floor  
 Los Angeles, CA 90025

**RECEIVED**

OCT 27 2005

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP  
 LOS ANGELES

INTERNATIONAL APPLICATION NO.	
PCT/KR03/02609	
I.A. FILING DATE	PRIORITY DATE
11/29/2003	12/05/2002

CONFIRMATION NO. 4525

371 FORMALITIES LETTER

\*OC000000017250143\*

Date Mailed: 10/18/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 05/26/2005
- Copy of the International Search Report filed on 05/26/2005
- Copy of IPE Report filed on 05/26/2005
- Copy of Annexes to the IPER filed on 05/26/2005
- Preliminary Amendments filed on 05/26/2005
- Information Disclosure Statements filed on 05/26/2005
- U.S. Basic National Fees filed on 05/26/2005
- Priority Documents filed on 05/26/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

ENTERED

OCT 28 2005

STATUS DB-LA

- \$65 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN M WILLIAMS

Telephone: (703) 308-9140 EXT 213

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/536,791	PCT/KR03/02609	7260P002